

FILED
2012 NOV -7 PM 3:00
U.S. DISTRICT COURT
CENTRAL DIST OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RAMZY SAAD,

Plaintiff,

vs.

LORENA LEMUS; AND DOES 1
THROUGH 10 INCLUSIVE,

Defendants.

) CASE NO. CV 12-09318 UA (DUTYx)

) ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On October 30, 2012, Defendant, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in federal court in the first place, in that Defendants do not competently allege facts supplying either diversity or

1 federal-question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a); see
2 Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563, 125 S.Ct. 2611, 162
3 L.Ed.2d 502 (2005). Even if complete diversity of citizenship exists, the amount in
4 controversy does not exceed the diversity-jurisdiction threshold of \$75,000. See 28 U.S.C.
5 §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint recites that the
6 delinquent rent is \$2000. (Unlawful Detainer Complaint, Exhibit 2). Furthermore, the
7 complaint states that the amount demanded does not exceed \$10,000. (Unlawful Detainer
8 Complaint at 1).

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10 Nor does Plaintiff's unlawful detainer action raise any federal legal question. See
11 28 U.S.C. §§ 1331, 1441(b).

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13 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
14 Court of California, Los Angeles County, Whittier Courthouse, 7339 South Painter Ave,
15 Whittier, CA 90602, for lack of subject matter jurisdiction pursuant to 28 U.S.C.
16 § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and (3)
17 that the Clerk serve copies of this Order on the parties.

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19 IT IS SO ORDERED.

20 DATED: 11/4/12

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GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE